

REMARKS

In response to the examiner's final rejection, as delineated within the claims, certain claims have been amended, three new claims have been added and certain claims have been withdrawn.

It is noted generally that none of the references cited by the examiner teach or suggest the invention as claimed in independent claims "13", "21" and "32". None of them teach or suggest an easily removable thermal preservation insert disk combined with a plastic food container where the disk conforms exactly to the bottom and side walls of the plastic food container, thereby preventing food from penetrating between the surfaces, which penetration would inter alia (i) make cleaning of the disk difficult, (ii) use up space and hence decrease the space-saving advantages of the disk and (iii) and reduce the thermal preservation effect of the disk, especially if food under the disk tilted the disk.

For example, Peterson, cited by the examiner, not only has grooves 19 recessed into the interior surface 13 but also has a space for the lid to be grasped, as best appreciated in FIG. 1 of Peterson, U.S. Patent No. 4,577,474. In Simko, 4,197,890, for example, the outer wall of the container is flexible so the disc-like ice pack unit 70 will not be able to conform exactly to the container's outer wall. The other references cited by the examiner either do not teach or suggest a disk that is removable easily (e.g. Gordon, McGraw, Telkes, etc.) or does not conform exactly to the bottom and wall of the plastic food container (e.g. Heverly, etc.) or is not even on the bottom of the plastic food container (e.g. Conklin (lid), Bair (shelf), etc.).

A request for extension of time in which to respond to the Office Action within the third month, together with the appropriate fee for a small entity accompanies this Amendment.

A check for \$887 is enclosed covering the basic filing fee of \$385 for the RCE, \$475 for the extension of time request and \$27 for three new dependent claims.

Since all of the foregoing amendments are understood to place the application in condition for allowance, their entry is submitted to be appropriate and is respectfully requested. Accordingly, it is respectfully requested that claims 13-16, 21-24, 32, 34, 35 and 37-40 are distinguishable over the prior art and should be allowed.

Dated: August 6, 2004

Respectfully submitted,



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